

REMARKS

Status Of Claims

Claims 1-46 are pending in the instant application. Claims 7-9, 13-15, 19-21, 24, 28, 29, 32, 36, 40, 41 and 43 are amended herein. New claims 44-46 are proposed for addition. No new matter is believed to have been introduced by the present amendment. Therefore, upon entry of this amendment, claims 1-46 will be pending and under consideration. Reconsideration of the application as amended as set forth herein is respectfully requested.

Specification

The Examiner states that a typographical error appears to be present on page 2, line 10, and the Examiner suggests inserting the word 'than' between 'less' and 'a". The specification has been amended accordingly.

Claim Rejections Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1-43 under 35 U.S.C. §103(a) as being unpatentable over Kanaya in view of Kobayashi and further in view of Prieur et al. This rejection is respectfully traversed.

The Examiner states: "Kanaya discloses a method for controlling a sheet feeding device". Official Action, page 2. The Examiner also states that the "disclosure teaches a method for monitoring resource units (sheets) which includes determining a thickness of one or more resource units". Official Action, page 2. The Examiner contends, "it would be obvious to one of ordinary skill in the art, that Kobayashi's sensing technique as modified by Prieur, could be used in conjunction with Kanaya's control and feeding system". Official Action, page 3.

Independent claims 1, 16 and 37 employ a thickness determination in indicating when a group of resource units, such as a stack of sheet articles for example, reaches a predetermined size. Independent claims 9, 21, 29 and 41 have been amended to include this feature, and new independent claims 44 and 46 also

include this feature. Neither Kanaya, Kobayashi, nor Prieur et al., alone or in combination, disclose determining the thickness of one or more resource units and indicating when the group of resource units reaches a predetermined size responsive to the determination of thickness.

Regarding Kanaya, the Examiner states that Kanaya shows a monitoring method of resource units including a thickness determination, but that "Kanaya fails to specifically disclose indicating when the group of sheets reaches a predetermined size". Official Action, page 2. Applicants respectfully submit that Kanaya fails to disclose a method of indicating when a stack of sheet articles or other resource units reaches a predetermined level or size and responsive to the determination of thickness. Kanaya also differs from the claimed subject matter in that Kanaya is directed to controlling a paper feed level and not monitoring. Finally, the device of Kanaya moves the stack to keep it at a certain level, unlike the claimed subject matter.

Regarding Kobayashi, the Examiner then states that "Kobayashi discloses a device for feeding sheets which includes a sensor for determining both when a stack of sheets is below a first predetermined level (low level) and also when the stack is at a second predetermined level (empty) (Col. 3, lines 38+). Further the disclosure teaches that device will indicate these situations to the user (Col. 3, lines 38+)". Official Action, page 3. The Examiner concedes "Kobayashi's sensor would not work well with a feedin[g] device such as Kanaya's, due to the fact that since Kanaya's feeder resiliently moves the sheets upward, Kobayashi's sensor would never turn clockwise to indicate a low level of paper". Official Action, page 3. Applicants respectfully submit that Kobayashi does not disclose an indicator responsive to a determination of thickness of one or more resource units. Adding a stack level sensor from Kobayashi to the system of Kanaya would not result in determination of group size that is "responsive to" the determination of thickness. The further addition of Prieur et al. also would not lead to a size determination that is responsive to the determination of thickness. Regarding Prieur et al., the Examiner states: "Prieur

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discloses a hopper which includes a light detector to determine when a stack of sheets has reached a predetermined level". Official Action, page 3. Applicants respectfully submit that, unlike the claimed subject matter, Prieur et al. do not employ a determination or indication, responsive to paper thickness, when a stack reaches a predetermined size or level. Hence, the proposed combination would not satisfy all limitations of any of the independent claims.

Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to have combined Kanaya with Kobayashi and Prieur et al. to arrive at the claimed subject matter. There is no motivation to combine the teachings of Kobayashi with those of Kanaya; indeed, the Examiner states: "Kobayashi's sensor would not work well with a feeding device such as Kanaya's". Official Action, page 3. Even when the sensor of Kobayashi is modified in view of Prieur et al., the resultant sensor, when combined with Kanaya, would not meet all the steps of the presently claimed subject matter.

Claims 2-8 depend from claim 1. Claims 10-15 depend from claim 9. Claims 17-20 depend from claim 16. Claims 22-28, 33 and 34 depend from claim 21. Claims 30-32, 35 and 36 depend from claim 29. Claims 38-40 depend from claim 37. Claims 41-43 depend from claim 40. Claim 45 depends from claim 44. Therefore, the comments presented above relating to claims 1, 9, 16, 21, 29, 37, 41, 44, and 46 apply equally to claims 2-8, 10-15, 17-20, 22-27, 30-36, 38-40, and 42, 43, and 45.

Applicants respectfully submit that no prima facie case of obviousness exists, and that the teachings of Kanaya, Kobayashi and Prieur et al. cannot be combined to either teach or suggest each and every element of the presently claimed subject matter. As such, it is respectfully submitted that claims 1-43 are not obvious in view of the cited references and that the rejection of claims 1-43 under 35 U.S.C. §103(a) should be withdrawn and the claims allowed at this time.

New independent claim 44 claims a system for monitoring resource units from a group. New dependent claim 45 depends from claim 44. New independent claim 46 claims a system for monitoring sheet articles in a stack. No new matter has been

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added. As noted above, claims 44 and 46 include the distinguishing feature that an indication when a stack or group of articles reach a particular size is responsive to a determination of sheet thickness. Claims 44-46 therefore also distinguish over the prior patents applied in the Official Action.

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and such action is earnestly solicited.

If any minor issues should remain outstanding after the Examiner has had an opportunity to study the Amendment and Remarks, it is respectfully requested that the Examiner telephone the undersigned attorney so that all such matters may be resolved and the application placed in condition for allowance without the necessity for another Action and/or Amendment.

DEPOSIT ACCOUNT

Although it is believed that no fee is due, the Commissioner is hereby authorized to charge any deficiencies of payment associated with the filing of this Response to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS WILSON & TAYLOR, P.A.

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